

Addressing			
From		To	
Laurie Kermish/R9/USEPA/US		cscott@waterboards.ca.gov cscott@waterboards.ca.gov	
CC		BCC	
Description		Form Used: Memo	
Subject		Date/Time	
Fw: CWA CITIZEN SUIT PROPOSED CONSENT DECREE FOR REVIEW/COMMENTS. NORTHERN CALIFORNIA RIVERWATCH V WASTE MANAGEMENT. REF. NO. DJ 90-1-24-177-02322		08/27/2008 11:59 AM	
# of Attachments	Total Bytes	NPM	Contributor
1	1,218,958		Kimberly Wells
Processing			
Comments			

Body

Document Body

My three specific questions are in the email chain below and attached is the proposed settlement document where you will see the provisions, we have questions about. Any help you can give us, would be greatly appreciated. My phone is (415) 972-3917. We need to comment on this to the Court by next Wednesday.

Thank you,

Laurie Kermish
 Senior Counsel
 Office of Regional Counsel
 U.S. EPA, Region 9
 75 Hawthorne Street
 San Francisco, CA 94105
 (415) 972-3917
 (415) 947-3571 (fax)
 kermish.laurie@epa.gov

----- Forwarded by Laurie Kermish/R9/USEPA/US on 08/27/2008 11:49 AM -----

Jeremy Johnstone/R9/USEPA/US

08/19/2008 12:14 PM

To WHurley@waterboards.ca.gov
 cc WBruhns@waterboards.ca.gov,
 SRLee@waterboards.ca.gov, laurie kermish,
 ellen blake/R9/USEPA/US
 Subject Fw: CWA CITIZEN SUIT PROPOSED
 CONSENT DECREE FOR REVIEW/
 COMMENTS. NORTHERN CALIFORNIA

Bill -

I don't believe that we have met, but I am writing to you based upon my read of RB2's org chart.

I don't know if you or staff are aware of the subject litigation re: Redwood Landfill in Novato, but the US Dept. of Justice is inquiring about the adequacy of the proposed injunctive relief (for alleged violations of the CA Industrial General Stormwater NPDES Permit) that is contained in the Consent Decree which was lodged in US District Court last month.

A copy of the CD is attached to the original email in this string, and specific questions that we would welcome the RB's responses to may be found in the email from Laurie Kermish, also below.

Any insights or other input that you or others at RB2 could offer, by this week's end, would be appreciated.

Thanks very much in advance.

Jeremy Johnstone
Senior Environmental Engineer
Clean Water Act Compliance Office (WTR-7)
U.S. Environmental Protection Agency, Region 9
Tel: 415-972-3499
Fax: 415-947-3545
email: johnstone.jeremy@epa.gov

----- Forwarded by Jeremy Johnstone/R9/USEPA/US on 08/19/2008 12:02 PM -----

Ellen Blake/R9/USEPA/US

08/19/2008 11:25 AM

To: Jeremy Johnstone/R9/USEPA/US@EPA
cc
Subject: Fw: CWA CITIZEN SUIT PROPOSED
CONSENT DECREE FOR REVIEW/
COMMENTS. NORTHERN CALIFORNIA
RIVERWATCH V WASTE MANAGEMENT. REF.
NO. DJ 90-1-24-177-02322

FYI

----- Forwarded by Ellen Blake/R9/USEPA/US on 08/19/2008 11:24 AM -----

Laurie Kermish/R9/USEPA/US

08/19/2008 11:07 AM

To: Ellen Blake/R9/USEPA/US@EPA
cc
Subject: Fw: CWA CITIZEN SUIT PROPOSED
CONSENT DECREE FOR REVIEW/
COMMENTS. NORTHERN CALIFORNIA
RIVERWATCH V WASTE MANAGEMENT. REF.
NO. DJ 90-1-24-177-02322

Ellen,

Attached is the settlement under discussion. The deadline for commenting is right after Labor Day, so we need to get answers this week in order for DOJ to decide if/how to comment.

The questions we would like answered are:

- 1) p. 4, para. C.1.(b) references a study "under the specific guidance" of the RB to monitor groundwater. Is this a study that is already underway or otherwise required by the RB?
- 2) p. 5, para. C.2. references ISO 14001 certification and implies that this is to be conducted under the terms of the "forthcoming" "Solid Waste Facilities Permit". This might be a question for DTSC, not the RB, but is this permit likely to issue soon and will it include ISO requirements?
- 3) p. 6-7, para. D.1 requires a study of the feasibility of "supplemental surface water sampling and analyses" apparently in addition to compliance monitoring required in "water quality permits". Para. D.2 requires a study to determine "most affective and economical means of treating and/or managing stormwater". Would such studies be of use to the RB in its permitting proceedings for this facility?

Thanks.

Laurie

----- Forwarded by Laurie Kermish/R9/USEPA/US on 08/19/2008 10:34 AM -----

"Smith, Justin (ENRD-LPS Attorney)"
<JuSmith@ENRD.USDOJ.GOV>

08/11/2008 01:03 PM

To Laurie Kermish/R9/USEPA/US@EPA
cc
Subject FW: CWA CITIZEN SUIT PROPOSED
CONSENT DECREE FOR REVIEW/
COMMENTS. NORTHERN CALIFORNIA
RIVERWATCH V WASTE MANAGEMENT. REF.
NO. DJ 90-1-24-177-02322

Laurie --

Would be interested in your thoughts on this one. It seems to do very little, even for a Jack Silver settlement -- but maybe I am missing something? some of this is not entirely obvious.

We recently objected to a Silver settlement in Oregon -- unfortunately that was not successful. (A mediator had worked out the deal, and that was probably a factor.)

Justin

From: Woolner, Rhodora (ENRD)

Sent: Tuesday, July 22, 2008 1:22 PM

To: Duncan, Katherine (ENRD); Smith, Justin (ENRD-LPS Attorney); Williams, Kim (ENRD)

Cc: Rowan, Pearlie (ENRD)

Subject: FW: CWA CITIZEN SUIT PROPOSED CONSENT DECREE FOR REVIEW/
COMMENTS. NORTHERN CALIFORNIA RIVERWATCH V WASTE MANAGEMENT. REF. NO. DJ
90-1-24-177-02322

Justin - new proposed cd from Jack Silver for review. Comments due to Court 09/04/2008.
Reviewers have been e-copied the document. Yellow package will be placed in your mailbox.

Katherine - image and tracking will be updated today.

Kim - please prepare 45 day letter for Justin and mail out by Thursday, July 24, 2008.

Pearlie - please import email and attachment to image db "Proposed Consent Decree"

Thanks all,
~Rhodora

From: Woolner, Rhodora (ENRD)

Sent: Tuesday, July 22, 2008 1:17 PM

To: Dworkin, Karen (ENRD); Friedman, Henry (ENRD); 'Kermish, Laurie'; 'Meeks, Marguerite';
'Milan, Sherry'

Subject: CWA CITIZEN SUIT PROPOSED CONSENT DECREE FOR REVIEW/COMMENTS.
NORTHERN CALIFORNIA RIVERWATCH V WASTE MANAGEMENT. REF. NO. DJ
90-1-24-177-02322

Reviewers:

Please review attached proposed consent decree for the above mentioned action. Submit
your comments/no comments to Justin Smith [<mailto:justin.smith@usdoj.gov>] and to Katherine
Duncan [<mailto:katherine.duncan@usdoj.gov>] by COB 08/05/2008.

Thank you,
Rhodora N. Woolner, SAS

U.S. Department of Justice

ENRD LPS

Robert F. Kennedy Building

950 Pennsylvania Ave., N.W.

Room 2610

Washington, DC 20530

Phone: (202) 305-1721

Main Phone: (202) 514-1442

Fax: (202) 514-1432

Email Address: rhodora.woolner@usdoj.gov

"A man's reach should exceed his gras"p. Robert Browning

CONFIDENTIALITY/PRIVILEGE NOTICE: This message (including attachments) may contain information that is confidential and/or legally privileged. If you have received this message in error, please do not read, copy, or forward it. Please permanently delete all copies and attachments and contact the sender immediately by reply email or by calling (202) 305-01721. If you are not an intended recipient, you are hereby notified that any dissemination of this message is strictly prohibited and may violate applicable laws, including the Electronic Communications Privacy Act.



#130349-v1-NORTHERN_CALIFORNIA_RIVERWATCH_V_WASTE_MANAGEMENT.PDF